

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEXTER M. ETTIENNE-MODESTE, JR.,

Plaintiff,

v.

PORt AUTHORITY POLICE, JOSEPH ROMANO,
DREW PRESTON, KEVIN SCHPAKOW, MIGUEL
CORREA-RODRIGUEZ, DAVID HUNTER, and
JOHN COLLINS,

Defendants.

ORDER

17-cv-1374 (ER)

Ramos, D.J.:

On February 23, 2017, Dexter Ettienne-Modeste filed a complaint against the Port Authority Police and police officers Joseph Romano and John Dough, alleging that the police officers used excessive force when he attempted to light a cigarette. Doc. 2. On May 1, 2018, Ettienne-Modeste filed an amended complaint, adding police officers Drew Preston, Kevin Schpakow, Miguel Correa-Rodriguez, David Hunter, and John Collins as defendants (and together with the Port Authority Police and Romano, “Defendants”), Doc. 28, which he again amended on June 22, 2017, Doc. 30 (“SAC”). On May 1, 2018, the Port Authority Police filed a motion for summary judgment, which Ettienne-Modeste did not oppose. Doc. 57. On May 31, 2018, Judge Katherine Forrest granted the motion as unopposed, and dismissed the case as to the individual defendants for failure to prosecute. Doc. 63. That same day, the case was terminated. *Id.* On September 5, 2018, the Second Circuit dismissed Ettienne-Modeste’s appeal. Doc. 66.

Five years later, on August 18, 2023, Ettienne-Modeste demanded a jury trial. Doc. 67. Approximately seven years later, on April 29, 2025, Ettienne-Modeste filed the instant motion to

compel, requesting that the Court order Defendants to send all discovery materials and deposition transcripts, as well as certain additional information. Doc. 68.

As the case was terminated more than seven years ago, Ettienne-Modeste is not entitled to further discovery.

Accordingly, the Clerk of Court is respectfully directed to terminate the motion, Doc. 68.

It is SO ORDERED.

Dated: July 18, 2025
New York, New York



Edgardo Ramos, U.S.D.J.